

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CHARLETTA THOMAS,)	
)	
Plaintiff,)	
)	
v.)	No. 2:23-cv-02595-SHL-tmp
)	
BAPTIST HEALTH SCIENCES)	
UNIVERSITY,)	
)	
Defendant.)	

**NOTICE OF WITHDRAWAL OF MOTION TO STRIKE PLAINTIFF’S RESPONSE TO
DEFENDANT’S STATEMENT OF UNDISPUTED MATERIAL FACTS IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT AND PLAINTIFF’S STATEMENT OF
ADDITIONAL UNDISPUTED MATERIAL FACTS**

Defendant Baptist Health Sciences University (“Defendant”) hereby files this Notice of Withdrawal of its Motion to Strike Plaintiff’s Response to Defendant’s Statement of Undisputed Material Facts and Plaintiff’s Statement of Additional Undisputed Material Facts (hereinafter “Response to SOF”). (Doc. 26). In support hereof, Defendant states:

1. Without explanation or permission, Plaintiff filed her Response to SOF at approximately 1:40pm on the afternoon of January 14, 2025, the day after it was due. (Doc. 26-2.)

2. In its Reply in Support of Summary Judgment (Docs. 27–28), Defendant has responded to each of Plaintiff’s statements of fact as needed or noted where no response is required. However, in the morning of January 27, 2025 (the day the Reply was due), Defendant emailed counsel for Plaintiff to inform that it intended to move to strike her untimely filed Response to SOF. Defendant waited until after the close of business that day before filing its

Motion to Strike. At that time, Defendant had not received any response regarding Plaintiff's position on that motion.

3. In the late evening, counsel for Plaintiff responded to Defendant's consultation email and explained that technical difficulties prevented his timely filing of the Response to SOF.

4. While timely communication regarding the reasons for the belated filing of Plaintiff's Response to SOF could have obviated the need for Defendant to file the Motion to Strike altogether, Defendant nevertheless wishes to withdraw its Motion to Strike in light of Plaintiff's explanation of the technical issues encountered in filing his Response to SOF.

WHEREFORE, Defendant hereby files this Notice of Withdrawal of its Motion to Strike.
(Doc. 26).

Respectfully submitted,

/s/ Kaitlyn A. Hansen

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CERTIFICATE OF SERVICE

The undersigned certifies that a true and exact copy of the foregoing document has been filed with the Court through the Court's Electronic Case Filing System, through which service was made on this the 28th day of January, 2025, upon the following:

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/s/ Kaitlyn A. Hansen